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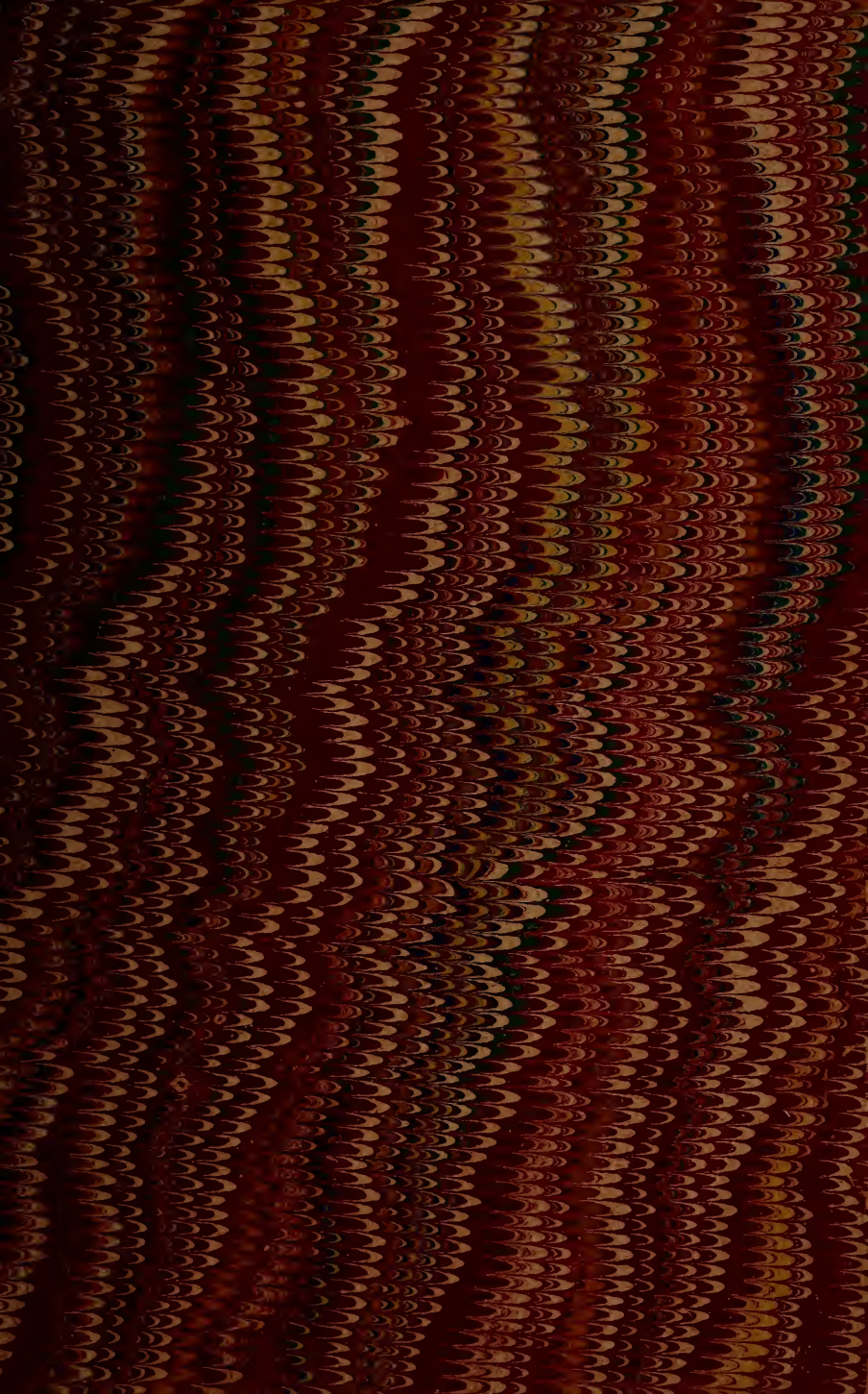
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UNITED STATES OF AMERICA.





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CONSTITUTION

OF THE

STATE OF NEW MEXICO.

" New Mexico (Ter)

" Legislative assembly



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CONSTITUTION OF THE STATE OF NEW MEXICO.

PREAMBLE.

We, the people of the State of New Mexico, grateful to Almighty God for the civil, political and religious liberty which He has so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations. In order to form a more perfect government, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the State of New Mexico.

ARTICLE I.

BOUNDARIES.

The boundaries and jurisdiction of the State shall be the same as the Territory of New Mexico may have at the time it shall be admitted into the Union under this Constitution.

ARTICLE II.

BILL OF RIGHTS.

SECTION I. All men are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

Sec 2. No person shall be deprived of life, liberty or property without due process of law.

Sec. 3. The full exercise and enjoyment of religious profession and worship without discrimination shall forever be guaranteed, and no person shall be denied any civil or political rights, privilege or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the state.— No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denominations or mode of worship.

SEC. 4. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of this liberty; and in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

SEC. 5. The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but the trial of civil cases before justices of the peace by a jury of less than twelve men, may be authorized by law.

SEC. 6. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable

searches and seizures, shall not be violated; and no warrant shall issue without probable cause, supported by affidavit, particularly describing the place to be searched, and the persons or things to be seized.

SEC. 7. All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

SEC. 8. No person shall be held to answer for a criminal offense unless on indictment of a grand jury; except in cases in which the punishment is by fine or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger. *Provided*, that the grand jury may be abolished by law in all cases.

SEC. 9. In all criminal prosecutions the accused shall have the right to appear and defend in person, and by counsel; to demand the nature and cause of the accusation and to have a copy thereof; to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

SEC. 10. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

SEC. 11. All penalties shall be proportioned to the nature of the offense, and no conviction shall work corruption of blood or forfeiture of estate, nor shall any person be transported out of the state for any offense committed within the same.

SEC. 12. No person shall be imprisoned for debt unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases where there is strong presumption of fraud.

Sec. 13. Private property shall not be taken or damaged for public use without just compensation ; such compensation when not made by the state shall be ascertained by a jury as shall be prescribed by law. The fee of land taken for railroad tracks, without consent of the owners thereof, shall remain in such owners subject to the use for which it was taken.

Sec. 14. No *ex post facto* law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities shall be passed.

Soc. 15. The military shall be in strict subordination to the civil power.

Sec. 16. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 17. The people have the right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives, and to apply for redress of grievances.

Sec. 18. All elections shall be free and equal.

Sec. 19. Every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property or reputation ; he ought to obtain, by law, right and justice freely, and without being compelled to purchase it, completely and without denial, promptly and without delay.

Sec. 20. A frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

ARTICLE III.

DISTRIBUTION OF POWERS.

SEC. 1. The powers of government of this state are divided into three distinct departments: the legislative, executive and judicial, and no person or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SEC. 1. The legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives; both to be elected.

ELECTIONS.

SEC. 2. An election for members of the General Assembly shall be held on the first Monday in September in the year of our Lord one thousand eight hundred and seventy-two, and every two years thereafter in each county, at such places therein as may be provided by law. When vacancies occur in either house, the governor or person exercising the powers of governor, shall issue writs of election to fill such vacancies.

ELIGIBILITY AND OATH.

SEC. 3. No person shall be a senator who shall not have attained the age of twenty-five years, or a representative who shall not have attained the age of twenty-one years. No person shall be a senator or a representative who shall not be a citizen of the United States, and who shall not have been five years a resident of this state, and for two years next preceding his election, a resident with-

in the territory forming the district from which he is elected. No judge or clerk of any court, secretary of state, attorney general, state's attorney, recorder, sheriff or collector of public revenue, member of either house of congress, or person holding any lucrative office under the United States, this state, or any foreign government, shall have a seat in the General Assembly; *Provided*, that appointments in the militia and the offices of notaries public and justices of the peace, shall not be considered lucrative; nor shall any person holding any office of honor or profit under any foreign government, or under the government of the United States, (except postmasters whose annual compensation does not exceed the sum of three hundred dollars,) hold any office of honor or profit under the authority of this state.

Sec. 4. No person who has been, or hereafter shall be, convicted of bribery, perjury or other infamous crime, nor any person who has been, or may be, a collector or holder of public moneys, who shall not have accounted for, and paid over according to law, all such moneys due from him, shall be eligible to the General Assembly, or to any office of profit or trust in this state.

Sec. 5. Members of the General Assembly, before they enter upon their official duties, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of New Mexico, and will faithfully discharge the duties of senator (or representative) according to the best of my ability."

APPORTIONMENT.

SENATORIAL.

Sec. 6. The General Assembly shall apportion the state every ten years, beginning with the year one thou-

and eight hundred and seventy-four, in such manner as shall be prescribed by law; but in the first and succeeding General Assembly the representation in the House of Representatives and the Senate shall be the same that may be provided by law for the Territorial General Assembly at the time of the adoption of this constitution.

REPRESENTATIVE.

If this constitution is adopted by the people of New Mexico, the first General Assembly elected thereafter shall meet in Santa Fé on the first Monday in November, one thousand eight hundred and seventy-two; and the Senate in order to complete its organization shall elect a president *pro tempore* until the lieutenant-governor shall be installed in his office; and within four days after the organization of the houses of the General Assembly they shall proceed to elect by joint ballot two senators to the congress of the United States. The senators thus elected are hereby instructed to ask of the congress of the United States, in the name of the people of the Territory of New Mexico, its admission as a state under this constitution.

TIME OF MEETING AND GENERAL RULES.

But afterwards the sessions of the General Assembly shall commence at twelve o'clock, noon, on the first Monday of December, after the election of members thereof, and at no other time, unless as provided by this constitution. A majority of the members elected to each house shall constitute a quorum. Each house shall determine the rules of its proceedings, and be the judge of the election returns and qualifications of its members, shall choose its own officers, and the senate shall choose a temporary president to preside when the lieutenant-governor shall not attend as president, or shall act as governor. The

secretary of state shall call the House of Representatives to order at the opening of each new Assembly, and preside over it until a temporary presiding officer thereof shall have been chosen and have taken his seat. No member shall be expelled by either house except by a vote of two-thirds of all the members elected to that house, and no member shall be twice expelled for the same offense. Each house may punish by imprisonment any person not a member who shall be guilty of disrespect to the house by disorderly or contemptuous behavior in its presence; but no such imprisonment shall extend beyond twenty-four hours at one time, unless such person shall persist in such disorderly or contemptuous behavior.

The door of each house and of committees of the whole shall be kept open except in such cases as in the opinion of the house require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, or to any other place than that in which the two houses shall be sitting. Each house shall keep a journal of its proceedings which shall be published. In the senate at the request of two members, and in the house at the request of five members, the yeas and nays shall be taken on any question, and entered upon the journal.—Any two members of either house shall have liberty to dissent from, and protest in respectful language against, any act or resolution which they think injurious to the public or to any individual, and have the reasons of their dissent entered upon the journals.

STYLE OF LAWS AND PASSAGE OF BILLS.

The style of the laws of this state shall be “Be it enacted by the people of the state of New Mexico represented in General Assembly.”

Bills may originate in either house, but may be altered,

amended or rejected by the other, and on the final passage of all bills the vote shall be by yeas and nays, upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members elected to each house.

Every bill shall be read at large on three different days, in each house, and the bill, and all amendments thereto, shall be printed before the vote is taken on its final passage; and every bill having passed both houses shall be signed by the speakers thereof.

No act hereafter passed shall embrace more than one subject, and that shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed; and no law shall be received or amended by reference to its title only, but the law received or the section amended shall be inserted at length in the new act.

PRIVILEGES AND DISABILITIES.

Senators and representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same, and for any speech or debate in either house they shall not be questioned in any other place.

No person elected to the General Assembly shall receive any civil appointment within this state from the governor and senate, or from the General Assembly, during the term for which he shall have been elected, and all such appointments, and all votes given for any such members for any such office or appointment shall be void, nor shall any member of the General Assembly be interested, either directly or indirectly, in any contract with the state, or any county thereof, authorized by any law

passed during the term for which he shall have been elected, or within one year after the expiration thereof.

PUBLIC MONEYS AND APPROPRIATIONS.

The General Assembly shall make no appropriations of money out of the treasury in any private law. Bills making appropriations for the pay of members and officers of the General Assembly, and for the salaries of the officers of the government, shall contain no provisions on any other subject. No money shall be drawn from the treasury except in pursuance of an appropriation made by law, and on the presentation of an account issued by the auditor thereon; and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution. The auditor shall within sixty days after the adjournment of each session of the General Assembly prepare and publish a full statement of all money expended at such session, specifying the amount of each item, and to whom and for what paid.

The General Assembly shall never grant or authorize extra compensation, fee or allowance to any public officer agent, servant or contractor, after service has been rendered, or a contract made; nor authorize the payment of any claim, or part thereof, hereafter created against the state under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void; *provided*, the General Assembly may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

The state shall never pay, assume or become responsible for the debts or liabilities of, or in any manner give, loan or extend its credit to or in aid of any public or other corporation, association or individual.

PAY OF MEMBERS.

The members of the General Assembly shall receive for their services the sum of three dollars per day, and ten cents for each mile necessarily travelled in going to and returning from the seat of government, to be computed by the auditor of public accounts. The pay and mileage allowed to each member of the General Assembly shall be certified to by the speakers of their respective houses, and entered on the journals, and published at the close of each session.

SPECIAL LEGISLATION PROHIBITED.

The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say :

For granting divorces ; changing the names of persons or places ; laying out, opening, altering and working roads or highways ; vacating roads, town plots, streets and public grounds ; locating or changing county seats ; regulating county and township affairs ; regulating the practice in courts of justice ; regulating the jurisdiction and duties of justices of the peace, police magistrates and constables ; providing for changes of venue in civil and criminal cases ; incorporating cities, towns or villages, or changing or amending the charter of any city, town or village ; summoning and empannelling grand or petit juries ; providing for the management of common schools ; regulating the interest on money ; the opening or conducting of any election ; or designating the place for voting ; the sale or mortgage of real state belonging to minors or others under disability ; chartering or licensing ferries or toll bridges ; remitting fines, penalties or forfeitures ; creating, increasing or decreasing fees, percentage or allowance of public officers, during the term for which said

officers are elected or appointed ; changing the law of descent ; granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever ; granting to any corporation, association or individual the right to lay down railroad tracks, or amending existing charters for such purpose.

In all other cases where a general law can be made applicable no special law shall be enacted.

The General Assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this state, or to any municipal corporation therein.

IMPEACHMENT.

The House of Representatives shall have the sole power of impeachment, but two-thirds of all the members elected must concur therein. All impeachments shall be tried by the senate, and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor of the state is tried, the chief justice shall preside. No person shall be convicted without the concurrence of two-thirds of the senators elected, but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, profit or trust under the government of this state. The party whether convicted or acquitted, shall nevertheless be liable to prosecution, trial or judgment and punishment according to law.

MISCELLANEOUS.

The General Assembly shall provide by law that the fuel, stationery and printing paper furnished for the use of the state, the copying, printing, binding and distributing the laws and journals and all other printing ordered

by the General Assembly, shall be let by contract to the lowest responsible bidder, but the General Assembly shall fix a maximum price, and no member thereof or other officer of the state shall be interested directly or indirectly in such contract: but all such contracts shall be subject to the approval of the governor, and if he disapprove the same, there shall be a reletting of the contract in such manner as shall be prescribed by law.

The State of New Mexico shall never be made a defendant in any court of law or equity.

The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift-enterprise tickets in this state.

No law shall be passed which shall operate to extend the term of any public officer after his election or appointment.

It shall be the duty of the General Assembly to pass such laws as may be necessary for the protection of operative miners by providing for ventilation when the same may be required, and the construction of escapement shafts or such other appliances as may secure safety in all mines, and to provide for the enforcement of said laws by such penalties and punishments as may be deemed proper.

The General Assembly may provide for establishing and opening roads and cartways connected with a public road for private and public use.

The General Assembly may pass laws permitting the owners or occupants of lands to construct drains and ditches for agricultural, mining and sanitary purposes, across the lands of others.

The General Assembly shall pass liberal homestead and exemption laws.

ARTICLE V.

EXECUTIVE DEPARTMENT.

The executive department shall consist of a Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction and Attorney General, who shall each, with the exception of the Treasurer, hold his office for the term of two years from the first Monday of December next after his election, and until his successor is elected and qualified. They shall, except the Lieutenant Governor, reside at the seat of government during their term of office, and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

The Treasurer shall hold his office for the term of two years, and until his successor is elected and qualified, and shall be ineligible to said office for two years next after the end of the term for which he was elected. He may be required by the Governor to give reasonable additional security, and in default of so doing his office shall be deemed vacant.

ELECTION.

An election for Governor, Lieutenant-Governor, Treasurer, Superintendent of Public Instruction, Secretary of State, Auditor of Public Accounts and Attorney General, shall be held on the first Monday in September, in the year of our Lord one thousand eight hundred and seventy-two, and every two years thereafter, at such places and in such manner as may be prescribed by law.

The returns of every election for the above named officers shall be sealed up and transmitted by the returning officers, to the Secretary of State, directed to the Speaker of the House of Representatives, who shall, immediately

after the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of each house of the General Assembly, who shall for that purpose assemble in the hall of the General Assembly. The person having the highest number of votes for either of said offices shall be declared duly elected, but if two or more have an equal and the highest number of votes, the General Assembly shall by joint ballot, choose one of such persons for said office. Contested elections for all of said offices shall be determined by both houses of the General Assembly by joint ballot, in such manner as may be prescribed by law.

ELIGIBILITY.

No person shall be eligible to the office of Governor or Lieutenant-Governor, who shall not have attained the age of thirty years, and been for five years next preceding his election a citizen of the United States, and of this State. Neither the Governor, Lieutenant Governor, Auditor of Public Accounts, Secretary of State, Superintendent of Public Instruction nor Attorney General shall be eligible to any other office during the period for which he shall be elected.

GOVERNOR.

The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed.

The Governor shall at the commencement of each session, and at the close of his term of office, give to the General Assembly information, by message, of the condition of the state, and shall recommend such measures as he shall deem expedient. He shall account to the General Assembly, and accompany his message with a

statement of all moneys received and paid out by him from any funds subject to his order, with vouchers, and at the commencement of each regular session present estimates for the amount of money required to be raised by taxation for all purposes.

The Governor may, on extraordinary occasions, convene the General Assembly by proclamation, stating therein the purpose for which they are convened; and the General Assembly shall enter upon no business except that for which they were called together.

In case of a disagreement between the two houses with respect to the time of adjournment, the Governor may, on the same being certified to him by the house moving the adjournment, adjourn the General Assembly to such time as he thinks proper, not beyond the first day of the next regular session.

The Governor shall nominate and by and with the advice and consent of the Senate (a majority of the senators elected concurring by yeas and nays) appoint all officers whose offices are established by this constitution or which may be created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be elected or appointed by the General Assembly.

In case of a vacancy during the recess of the Senate in any office which is not elective, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the Senate (a majority of all the senators elected concurring by yeas and nays,) shall hold his office during the remainder of the term, and until his successor be appointed and qualified. No person after being rejected by the Senate shall be again nominated for the same office at the same session, unless at the request of the

Senate, or be appointed to the same office during the recess of the General Assembly.

The Governor shall have power to remove any officer whom he may appoint in case of incompetency or neglect of duty, or malfeasance in office; and he may declare his office vacant and fill the same as is herein provided in other cases of vacancy.

The Governor shall have power to grant reprieves, commutations and pardons after conviction, for all offences, subject to such regulations as may be provided by law relative to the manner of applying therefor.

The Governor shall be commander in chief of the military and naval forces of the state (except when they shall be called into the service of the United States), and may call out the same to execute the laws, suppress insurrection and repel invasion.

The Governor and all civil officers of the state shall be liable to impeachment for any misdemeanor in office.

VETO.

Every bill passed by the General Assembly shall, before it becomes a law, be presented to the Governor; if he approve he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it with his objections to the house in which it shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider the bill; if then two-thirds of the members elected agree to pass the same it shall be sent together with the objections to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members elected to that house it shall become a law notwithstanding the objections of the Governor. But in all such cases the vote of each house shall be determined by yeas and nays, to be

entered on the journal. Any bill which shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it, unless the General Assembly by adjournment shall prevent its return, in which case it shall be filed, with the objections, in the office of the Secretary of State within ten days after such adjournment, or become a law.

LIEUTENANT GOVERNOR.

In case of the death, conviction or impeachment, failure to qualify, resignation, absence from the state, or other disability of the Governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the Lieutenant Governor.

The Lieutenant Governor shall be president of the Senate, but shall vote only when the Senate is equally divided. The Senate shall choose a president *pro tempore* to preside in case of the absence or impeachment of the Lieutenant Governor, or when he shall hold the office of Governor. If there be no Lieutenant Governor, or if the Lieutenant-Governor shall for any of the causes specified in section — of this Article, become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled or the disability removed; and if the President of the Senate, for the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Representatives.

OTHER STATE OFFICERS.

If the office of Auditor of Public Accounts, Treasurer, Secretary of State, Attorney General, or Superintendent

of Public Instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law.— An account shall be kept by the officers of the executive department, and of all the public institutions of the state, of all moneys received and disbursed by them severally, from all sources, and for every service performed, and a semi-annual report thereof be made to the Governor under oath, and any officer who makes a false report shall be guilty of perjury and punished accordingly.

The officers of the executive department and of all public institutions of the state shall, at least ten days preceding each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports to the General Assembly, together with the reports of the judges of the supreme court, of defects in the constitution and laws, and the Governor may at any time require information in writing, under oath, from the officers of the executive department and all officers and managers of state institutions, upon any subject relating to the condition, management and expenses of their respective offices.

THE SEAL OF STATE.

There shall be a seal of the state which shall be called the “Great Seal of the State of New Mexico,” which shall be kept by the Secretary of State, and used by him officially as directed by law.

FEES AND SALARIES.

The officers named in this article shall receive for their services the following salaries: the governor, one thousand two hundred dollars; lieutenant governor, one

hundred dollars ; treasurer, one thousand dollars ; auditor of public accounts, one thousand dollars ; secretary of state, eight hundred dollars ; attorney general, six hundred dollars, and such fees as may be prescribed by law ; and superintendent of public instruction, two hundred and fifty dollars.

DEFINITION AND OATH OF OFFICE.

An office is a public position, created by the constitution or law, continuing during the pleasure of the appointing power, or for a fixed time, with a successor elected or appointed.

An employment is an agency for a temporary purpose which ceases when that purpose is accomplished.

All civil officers, except members of the General Assembly, and such inferior officers as may be by law exempted, shall before they enter on the duties of their respective offices, take and subscribe to the following oath or affirmation : “I do solemnly swear, (or affirm, as the case may be), that I will support the constitution of the United States and the constitution of the State of New Mexico, and that I will faithfully discharge the duties of the office of ——— according the best of my ability.”

And no other declaration or test shall be required as a qualification.

SUFFRAGE.

Every person having resided in this state one year, in the county ninety days, and in the election district thirty days next preceding any election therein, who was an elector in this State on the first day of April, in the year of our Lord, one thousand eight hundred and seventy, or who has obtained a certificate of naturalization before any court of record in this State prior to the first day of

April, in the year of our Lord, one thousand eight hundred and seventy, or who shall be a male citizen of the United States above the age of twenty one years, shall be entitled to vote at such election.

All votes shall be by ballot.

Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to, and returning from the same. And no elector shall be obliged to do military duty on the days of election except in time of war or public danger.

No elector shall be deemed to have lost his residence in this state by reason of his absence on the business of the United States or of this state, or in the military or naval service of the United States.

No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed therein.

No person shall be elected or appointed to any office in this state, civil or military, who is not a citizen of the United States, and who shall not have resided in this state one year next preceding the election or appointment.

The General Assembly shall pass laws excluding from the right of suffrage persons convicted of infamous crimes.

EDUCATION.

SECTION 1. The General Assembly shall provide a thorough and efficient system of free schools whereby all the children of this state may receive a good common school education.

SEC. 2. All lands, money or other property, donated, granted or received, for school, college, seminary or university purposes and the proceeds thereof, shall be faithfully applied to the objects for which such gifts or grants were made.

SEC. 3. Neither the General Assembly, nor any county, city, town, township, school district or other public corporation shall ever make any appropriation, or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or help, support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church or sectarian denomination whatever, nor shall any grant or donation of land, money or other personal property ever be made by the state or any such public corporation, to any church, or for any sectarian purpose.

SEC. 4. No teacher, state, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture, used or to be used in any school in this state with which such officer or teacher may be connected, under such penalties as may be provided by the General Assembly.

SEC. 5. There may be a county superintendent of schools in each county, whose qualifications, powers, duties, compensation, and time and manner of election, and term of office shall be prescribed by law.

REVENUE.

SECTION 1. The General Assembly shall provide such revenue as may be needful by levying a tax, by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property—such value to be ascertained by some person or persons, to be elected or appointed in such manner as the General Assembly shall direct, and not otherwise; but the General Assembly shall have power to tax peddlers, auctioneers, brokers, hawkers, merchants, commission merchants, showmen, jugglers, inn-keepers, grocery-keepers, liquor dealers, toll bridges, ferries, insurance, telegraph and express interest or business, vendors of patents, and per-

sons or corporations owning or using franchises and privileges, in such manner as it shall from time to time, direct by general law, uniform as to the class upon which it operates.

SEC. 2. The specification of the objects and subjects of taxation shall not deprive the General Assembly of the power to require other subjects or objects to be taxed in such manner as may be consistent with the principles of taxation fixed in this constitution.

SEC. 3. The property of the state, counties and other municipal corporations, both real and personal, and such other property as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery and charitable purposes, may be exempted from taxation, but such exemption shall be only by general law. In the assessment of real estate encumbered by public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property.

SEC. 4. The General Assembly shall provide in all cases where it may be necessary to sell real estate for the non-payment of taxes, or special assessments for state, county, municipal or other purposes, that a return of such unpaid taxes or assessments shall be made to some general officer of the county having authority to receive state and county taxes, and there shall be no sale of the said property for any of the said taxes or assessments, but by said officer upon the order or judgment of some court of record.

SEC. 5. The right of redemption from all sales of real estate, for the non-payment of taxes or special assessments of any character whatever, shall exist in favor of owners and persons interested in such real estate for a

period of not less than two years from such sales thereof. And the General Assembly shall provide by law for reasonable notice to be given to the owners or parties interested, by publication or otherwise, of the fact of the sale of property for such taxes or assessments and when the time of redemption shall expire: *Provided*, that occupants shall in all cases be served with personal notice before the time of redemption expires.

SEC. 6. The General Assembly shall have no power to release or discharge any county, city, township, town or district whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

SEC. 7. All taxes levied for state purposes shall be paid into the state treasury.

SEC. 8. County authorities shall never assess taxes the aggregate of which shall exceed seventy-five cents per one hundred dollars valuation, except for the payment of indebtedness existing at the adoption of this constitution, unless authorized by a vote of the people of the county.

SEC. 9. The General Assembly may vest the corporate authorities of cities, towns and villages with power to make local improvements by special assessments or by special taxation of contiguous property or otherwise. For all other corporate purpose, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same.

SEC. 10. The General Assembly shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all the taxable property within the limits of municipi-

pal corporations shall be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

SEC. 11. No person who is in default as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary or compensation of no municipal officer who is elected or appointed for a definite term of office shall be increased or diminished during such term.

SEC. 12. No county, city, township, school district or other municipal corporation shall be allowed to become indebted in any manner, or for any purpose, to an amount including existing indebtedness in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes, previous to the incurring of such indebtedness. Any county, city, school district or other municipal corporation incurring any indebtedness as aforesaid, shall before, or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same.

This section shall not be construed to prevent any city, county, township, school district or other municipal corporation from issuing their bonds in compliance with any vote of the people which may have been had prior to the adoption of this constitution in pursuance of any law providing therefor.

COUNTY SEATS.

No county seat shall be removed until the point to which it is proposed to be removed shall be fixed in pursuance of law, and a majority of the votes of the county to be ascertained in such manner as shall be provided by general law, shall have voted in favor of its removal to such point; and no person shall vote on such question who has not resided in the county six months, and in the election precinct ninety days next preceding such election. The question of the removal of a county seat shall not be oftener submitted than once in ten years to a vote of the people.

CORPORATIONS.

No corporation shall be created by special law, or its charter extended, changed or amended (except those for charitable, educational, penal or reformatory purposes,) which are to be and remain under the patronage and control of the state; but the General Assembly shall provide by general laws for the organization of all corporations hereafter to be created. All existing charters or grants of special or exclusive privileges under which organization shall not have taken place, or which shall not have been in operation within ten days from the time this constitution takes effect, shall thereafter have no validity or effect whatever.

The General Assembly shall provide by law, that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote in person or by proxy for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected; or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall

, or to distribute them on the same principle among as many candidates as he shall think fit, and such directors or managers shall not be elected in any other manner.

No law shall be passed by the General Assembly granting the right to construct and operate street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

RAILROADS.

SEC. 1. Every railroad corporation organized or doing business in this state, under the laws or authority thereof, shall have and maintain a public office or place in this state for the transaction of its business, where transfers of stock shall be made, and in which shall be kept for public inspection books in which shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of its stock, and the amounts owned by them respectively, the amount of stock paid in and by whom; the transfers of said stock, the amount of its assets and liabilities, and the name and place of residence of its officers. The directors of every railroad corporation shall annually make a report, under oath, to the auditor of public accounts, or some officer to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law, and the General Assembly shall pass laws enforcing by suitable penalties the provisions of this section.

SEC. 2. The rolling stock and all other moveable property belonging to any railroad company or corporation in this state shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the General

Assembly shall pass no law exempting any such property from execution and sale.

SEC. 3. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line, and in no case shall any consolidation take place except upon public notice given, of at least sixty days, to all stockholders, in such manner as may be provided by law. A majority of the directors of any railroad corporation now incorporated, or hereafter to be incorporated by the laws of this state, shall be citizens and residents of this state.

SEC. 4. Railways heretofore constructed or hereafter to be constructed in this state, are hereby declared public highways, and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the General Assembly shall pass such laws from time to time establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this state.

SEC. 5. No railroad corporation shall issue any stock or bonds except for money, labor or property actually received and applied to the purposes for which such corporation was created; and all stock dividends and other fictitious increase of the capital stock or indebtedness of any such corporation shall be void. The capital stock of no railroad corporation shall be increased for any purpose except upon giving sixty days public notice in such manner as may be provided by law.

SEC. 6. The exercise of the power and right of eminent domain shall never be so construed or abridged as to prevent the taking by the General Assembly of the property and franchises of incorporated companies already organized, and subjecting them to the public necessity the

same as of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when in the exercise of the said right of eminent domain any incorporated company shall be interested either for or against the exercise of said right.

SEC. 7. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state, and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of the forfeiture of their property and franchise.

ARTICLE VI.

MILITIA.

The militia of the state of New Mexico shall consist of all able bodied male persons, resident in the State, between the ages of eighteen and forty-five, except such persons as are now, or hereafter may be, exempted by the laws of the United States or of this State.

The General Assembly in providing for the organization, equipment and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

All militia officers shall be commissioned by the governor, and may hold their commissions for such time as the General Assembly may provide.

The militia shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at musters and elections, and in going to and returning from the same.

The military records, banners and relics of the state shall be preserved as an enduring memorial of the patriotism and valor of New Mexico, and it shall be the duty

of the General Assembly to provide by law for keeping of the same.

No persons having conscientious scruples against bearing arms, shall be compelled to do military service in time of peace: *provided*, such person shall pay an equivalent for such exemption.

AMENDMENTS TO THE CONSTITUTION.

SEC. 1. Whenever two thirds of the members of the General Assembly shall, by a vote entered upon the journals thereof, concur that a convention is necessary to revise, alter or amend the constitution, the question shall be submitted to the electors at the next general election. If a majority voting at the election vote for a convention, the General Assembly shall at the next session provide for a convention, to consist of double the number of members of the senate, to be elected in the same manner, at the same places and in the same districts. The General Assembly shall, in the act calling the convention, designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the expenses necessarily incurred by the convention in the performance of its duties. Before proceeding the members shall take an oath to support the constitution of the United States and of the State of New Mexico, and to faithfully discharge their duties as members of the convention. The qualification of members shall be the same as that of members of the Senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the General Assembly. Said convention shall meet within three months after such election, and prepare such revision, alteration or amendments of the constitution as shall be deemed necessary, which shall be submitted to the electors for their ratification or rejection at any election appointed by

the convention for that purpose, not less than two nor more than six months after the adjournment thereof, and unless so submitted and approved by a majority of the electors voting at the election, no such revision alterations or amendments shall take effect.

SEC. 2. Amendments to the constitution may be proposed in either house of the General Assembly, and if the same shall be voted by two-thirds of all the members elected to each of the houses, such proposed amendments together with the yeas and nays of each house thereon shall be entered in full on their respective journals, and said amendments shall be submitted to the electors of this state for adoption or rejection at the next election of the members of the General Assembly in such a manner as may be prescribed by law. The proposed amendments shall be published in full at least three months preceeding the election; and if a majority of the electors voting at said election shall vote for the proposed amendments, they shall become a part of this constitution. But the General Assembly shall have no power to propose amendments to more than one article of this constitution the same session nor the same article oftener than once in four years.

ARTICLE VII.

MISCELLANEOUS PROVISIONS.

SECTION 1. The seat of Government shall be at Santa Fé.

SEC. 2. All officers, executive, judicial and ministerial, shall, before they enter upon the discharge of their respective offices, take and subscribe to the following oath or affirmation: "I, —— do solemnly swear (or

affirm) that I will support, protect and defend the constitution and government of the United States, and the constitution and government of the state of New Mexico, against all enemies, whether domestic or foreign, and I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state, convention or legislature to the contrary notwithstanding; and further, that I do this with the full determination, pledge and purpose, without any mental reservation or evasion whatever. And further, that I will well and faithfully perform all the duties of the office of ——— on which I am about to enter," (if an oath) "so help me God." (If an affirmation) "under the pains and penalties of perjury."

SEC. 3. No perpetuities shall be allowed except for eleemosynary purposes.

SEC. 4. The general election shall be held on the first Monday in September.

SEC. 5. The aggregate number of members of both branches of the legislature shall never exceed seventy.

SEC. 6. All county officers shall hold their offices at the county seats of their respective counties.

SEC. 7. The Legislature shall provide for the speedy publication of all statute laws of a general nature, and such decisions of the supreme court as it may deem expedient; and all laws and judicial proceedings shall be free for publication by any person; *provided*, that no judgment of the supreme court shall take effect and be operative until the opinion of the court in such case shall be filed with the clerk of said Court.

SEC. 8. All officers whose election or appointment is not otherwise provided for, shall be chosen or appointed as may be provided by law.

SEC. 9. The tenure of any office not herein provided for may be declared by law, or when not so declared such

office shall be held during the pleasure of the authority making the appointment; but the legislature shall not create any office the tenure of which shall be longer than four years, except as otherwise provided in this constitution.

SEC. 10. No plurality of votes given at any election by the people, shall constitute a choice where not otherwise provided by this constitution.

ARTICLE VIII.

JUDICIAL DEPARTMENT.

SEC. 1. The judicial power of this state shall be vested in a supreme court, district courts, probate courts and in justices of the peace. The legislature may also establish courts for municipal purposes only in incorporated cities and towns.

SEC. 2. The supreme court shall consist of a chief justice and two associate justices, a majority of whom shall constitute a quorum; *provided*, that the legislature by a majority of all the members elected to each branch thereof, may provide for the election of two additional associate justices, and if so increased three shall constitute a quorum. The concurrence of a majority of the whole court shall be necessary to render a decision.

SEC. 3. The supreme court shall have appellate jurisdiction in all cases in equity; also in all cases at law in which is involved the title or right of possession to or the possession of real estate or mining claims, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand (exclusive of interest) or the value of the property in controversy exceeds three hundred dollars, also in all other civil cases not included in the general subdivisions of law and equity, and also on

questions of law alone, in all criminal cases in which the offense charged amounts to felony. The court shall also have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the state, upon petition by, or on behalf of any person held in actual custody, and may make such writs returnable before himself or the supreme court, or before any district court in the state, or before any judge of said courts.

The judges of the supreme court shall hold a term of the said court annually at the seat of government; and they shall be nominated by the governor and confirmed by the senate, and hold their offices for four years.

The supreme and district courts shall appoint their own clerks, and every clerk shall hold his office at the pleasure of the court for which he may have been appointed.

The said state shall be divided into three judicial districts, and a district court shall be held in each of the counties of said district, by one of the justices of the supreme court, at such time and places as may be prescribed by law, and said judges shall after their appointments respectively reside in the district which shall be assigned them; *Provided*, that the chief justice shall reside in the district in which the capital may be situated.

The counties of Santa Fé, Rio Arriba, Taos, Colfax, Mora, San Miguel and Santa Ana shall constitute the first judicial district; the counties of Bernalillo, Valencia and Socorro shall constitute the second judicial district, and the counties of Doña Ana, Grant, and Lincoln shall constitute the third judicial district,

The justices of the supreme court shall receive for their compensation the following salaries, to be paid quar-

terly by the state treasurer: the chief justice of the state, twenty-five hundred; and the two associate judges, fifteen hundred dollars each.

SEC. 4. The district courts in the several judicial districts of this state shall have original jurisdiction in all cases in equity; also in all cases at law which involve the title or right of possession to, or the possession of, real property or mining claims, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand (exclusive of interest), or the value of the property in controversy exceeds one hundred dollars; and of the action of forcible entry and unlawful detainer, and also in all criminal cases not otherwise provided for by law. They shall also have final appellate jurisdiction in cases arising in probate courts, justices' courts, and such other inferior tribunals as may be established by law. The district courts and the judges thereof shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, and all other writs proper and necessary to the complete exercise of their jurisdiction, and shall possess chancery and common law jurisdiction, and also shall have power to issue writs of habeas corpus on petition by, or on behalf of, any person held in actual custody in their respective districts.

SEC. 5. The times of holding the supreme courts and district courts shall be as fixed by law. The terms of the supreme court shall be held at the seat of government, and the terms of the district courts shall be held at the county seats of their respective counties.

SEC. 6. The legislature shall determine the number of justices of the peace to be chosen in each city and township of the state, and shall fix by law their powers, duties and responsibilities; *Provided*, That such justices courts shall not have jurisdiction of the following cases,

viz: 1st. Of cases in which the matter of dispute is a money demand or personal property, and the amount of demand (exclusive of interest), or the value of the property, exceeds one hundred dollars. 2d. Of cases wherein the title to real estate or mining claims, or questions of boundaries to lands is or may be involved, or of cases that in any manner shall conflict with the jurisdiction of the several courts of record in this state; *And provided further*, that justices courts shall have criminal jurisdiction as may be prescribed by law, and the legislature may confer upon said courts jurisdiction concurrent with the district courts of actions to enforce mechanics liens, wherein the amount (exclusive of interest) does not exceed one hundred dollars, and also of actions for the possession of lands and tenements where the relation of landlord and tenant exists, or when such possession has been unlawfully or fraudulently obtained or withheld. The legislature shall also prescribe by law the manner and determine the cases in which appeals may be taken from justices and other courts. The supreme court, the district courts, and such other courts as the legislature shall designate, shall be courts of record.

SEC. 7. The probate courts shall have jurisdiction in all cases relating to the estates of deceased persons or the persons and estates of minors and insane persons, and general jurisdiction in all probate matters, as also such other jurisdiction as may be conferred by law, except, they shall not have nor exercise any civil or criminal jurisdiction.

SEC. 8. Provision shall be made by law prescribing the powers, duties and responsibilities of any municipal court that may be established in pursuance of section one of this article, and also fixing by law the jurisdiction of

said courts so as not to conflict with that of the several courts of record.

SEC. 9. No judicial officer except justices of the peace and city recorders shall receive to his own use any fees or perquisites of office.

SEC. 10. The justices of the supreme court and district judges, shall be ineligible to any office other than a judicial office, during the term for which they shall be elected, and all elections or appointments of any such judges by the people, legislature, or otherwise, during said period, to any office other than judicial shall be void.

SEC. 11. Judges shall not charge juries in respect to matters of fact, but may state the testimony and declare the law.

SEC. 12. The power of impeachment shall not extend to the judiciary, but for any sufficient and reasonable cause, to be entered on the journals of each house, which may or may not be sufficient grounds for impeachment, the chief justice and associate justices of the supreme court shall be removed from office on the vote of four-fifths of the members elected to each branch of the General Assembly; and the justice complained of shall be served with a copy of the complaint against him, and shall have an opportunity of being heard in person or by counsel in his defence; *provided*, that no member of either branch of the General Assembly shall be eligible to fill the vacancy occasioned by such removal.

SEC. 13. Provision shall be made by law for the removal from office of any civil officer other than those in this Article previously specified, for malfeasance or non-feasance in the performance of his duties.

ARTICLE IX.

SCHEDULE.

SECTION 1. That no inconvenience may arise by reason of a change from a territorial to a permanent state government, it is declared that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals as bodies corporate, including counties, towns and cities, shall continue as if no change had taken place, and all process which may issue under the Territory of New Mexico, previous to its admission into the union as one of the United States, shall be as valid as if issued in the name of the State of New Mexico.

SEC. 2. All laws of the Territory of New Mexico in force at the time of the admission of this state, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the legislature.

SEC. 3. All fines, penalties and forfeitures accruing to the Territory of New Mexico, or to the people of the United States in the Territory of New Mexico, shall ensure to the State of New Mexico.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a state government shall remain valid, and shall pass to and may be prosecuted in the name of the state, and all bonds executed to the governor of the territory, or any other officer or court in his or their official capacity, or to the people of the United States in the Territory of New Mexico, shall pass to the governor or other officer, or court, and his or their successors in office for the uses therein respectively expressed, and may be sued on and recovery had accordingly, and all property, real, personal or mixed, and all judgments, bonds, specialties, choses in ac-

tion, claims and debts of whatsoever description, and all records and public archives of the Territory of New Mexico, shall issue to and vest in the State of New Mexico, and may be sued for and recovered in the same manner and to the same extent by the State of New Mexico, as the same could have been by the Territory of New Mexico. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the state. All offenses committed against the laws of the Territory of New Mexico before the change from a territorial to a state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of New Mexico, with like effect as though such change had not taken place, and all the penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity and other legal proceedings which may be pending in any of the courts of the Territory of New Mexico at the time of the change from a territorial to a state government may be continued and transferred to and determined by any court of the state which shall have jurisdiction of the subject matter thereof. All actions at law and suits in equity, and all other legal proceedings which may be pending in any of the courts of the Territory of New Mexico at the time of the change from a territorial to a state government, shall be continued and transferred to, and may be prosecuted to judgment and execution in any court in the state which shall have jurisdiction of the subject matter; and all books, papers and records relating to the same shall be transferred in like manner to such courts.

SEC. 5. All debts and liabilities of the Territory of New Mexico lawfully incurred and which remain unpaid at the time of the admision of this state into the Union, shall be assumed by and become the debt of the state of New Mexico.

SEC. 6. All county and territorial officers under the laws of the Territory of New Mexico at the time when the constitution shall take effect whose offices are not inconsistent with the provisions of this constitution shall continue in office until their successors shall be elected and qualified under the state of New Mexico.

SEC. 7. The Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General and Superintendent of Public Instruction to be elected at the first election under this constitution shall each qualify and enter upon the duties of their respective offices on the first Monday of December succeeding their election or as soon thereafter as the Territory of New Mexico may be admitted into the Union under this constitution.

SEC. 8 All officers of the state and district judges elected or appointed under this constitution shall be commissioned by the Governor of this Territory which commission shall be countersigned by the Secretary of the same, and shall qualify before entering upon the discharge of their duties before any officer authorized to administer oaths under the laws of this Territory.

SEC. 9. In case the office of any justice of the supreme court or any other state officer shall become vacant before the expiration of the regular term for which he was elected, the vacancy may be filled by appointment by the Governor until it shall be supplied at the next general election or meeting of the General Assembly, when it shall be filled by election or otherwise.

SEC. 10. For the first three years after the adoption of this constitution the legislature shall not levy a tax for state purposes exceeding one per cent per annum on the taxable property in the state. *Provided*, the legislature may levy a tax not exceeding one-fourth of one per cent per annum which shall be appropriated to the indebtedness of the Territory of New Mexico assumed by the State of New Mexico, and for that purpose only until all aforesaid indebtedness is paid.

Done by the Representatives of the people of New Mexico in regular legislative session at Santa Fé, this the first day of February A. D. one thousand eight hundred and seventy two.

(Signed) DIEGO ARCHULETA,
President of the Council.

(Signed) GREGORIO N. OTERO,
Speaker of the House of Representatives.

In pursuance of a resolution of the Legislative Assembly of New Mexico, of this date, requesting the Governor to sign this constitution, I do hereby approve and sign the same this 1st day of February, 1872.

MARSH GIDDINGS,
Governor of New Mexico.

AN ACT

PROVIDING FOR A GENERAL ELECTION FOR
THE PURPOSE OF SUBMITTING TO A VOTE
OF THE PEOPLE A STATE CONSTITUTION
AND STATE OFFICERS.

Whereas, we the members of the Legislative Assembly of the Territory of New Mexico, as the representatives of the people after due deliberation, believing it for the benefit of the people to change the form of their government to that of a state, have drawn up a constitution republican in form, and in which are incorporated the fundamental principles of a free and sovereign government, which we have resolved to submit to the consideration of the people, being satisfied that a majority thereof desire a state government; therefore.

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

SEC. 1. That his Excellency, the Governor of this Territory, is hereby required, sixty days before the first Monday of June, 1872, to issue his proclamation for a general election which shall be held on said first Monday of June, 1872, for the purpose of submitting to a vote of the people the state constitution drawn up at the present term of the Legislative Assembly.

SEC. 2. It shall be the duty of the judges of probate in their respective counties, so soon as they may receive the said proclamation of the Governor, to issue their proclamations in their said respective counties, designating

the time and place of said election, as also the object of the same as set forth in the proclamation of the Governor.

SEC. 3. Said election shall be conducted and held in every respect according to the laws in force with reference to elections in this territory, and the qualifications of voters shall be the same; except that the returns shall be made to the Governor of the Territory who, in the presence of the Attorney General and Treasurer, shall count the votes and announce the result.

SEC. 4. Said election shall be for the sole purpose of determining whether the people of this Territory are in favor of the constitution and a state government, and for that purpose the ballots and votes cast shall be—

“For the Constitution and a State.”

“Against the Constitution and a State.”

SEC. 5. If a majority of the votes cast be in favor of the constitution and a state, the Governor is hereby required to issue his proclamation on the second Monday of June, 1872, announcing the result of said election, and ordering another election which shall be held on the first Monday of September, 1872, for the object of electing under said constitution a Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Public Instruction, as also members of the Legislative Assembly to hold a session of the General Assembly of the state at the time provided for by the constitution; and also for a representative in the Congress of the United States; said election shall be held according to the laws of the Territory, except that the counting of the votes shall be in the same manner as provided by section three of this act, which shall be taken as the true count, and the said votes shall not be again thereafter counted.

SEC. 6. That the Governor is hereby required to have printed one thousand copies of the said state constitution, three hundred in English and seven hundred in Spanish, and to send them *pro rata* to the respective judges of this Territory, as also three copies to each one of the members of the present Legislative Assembly. The expenses of the said election and printing to be paid out of the Territorial treasury.

SEC. 7. This act shall take effect from and after its passage.

Approved, Feb. 1st. 1872.

MARSH GIDDINGS,

Governor.

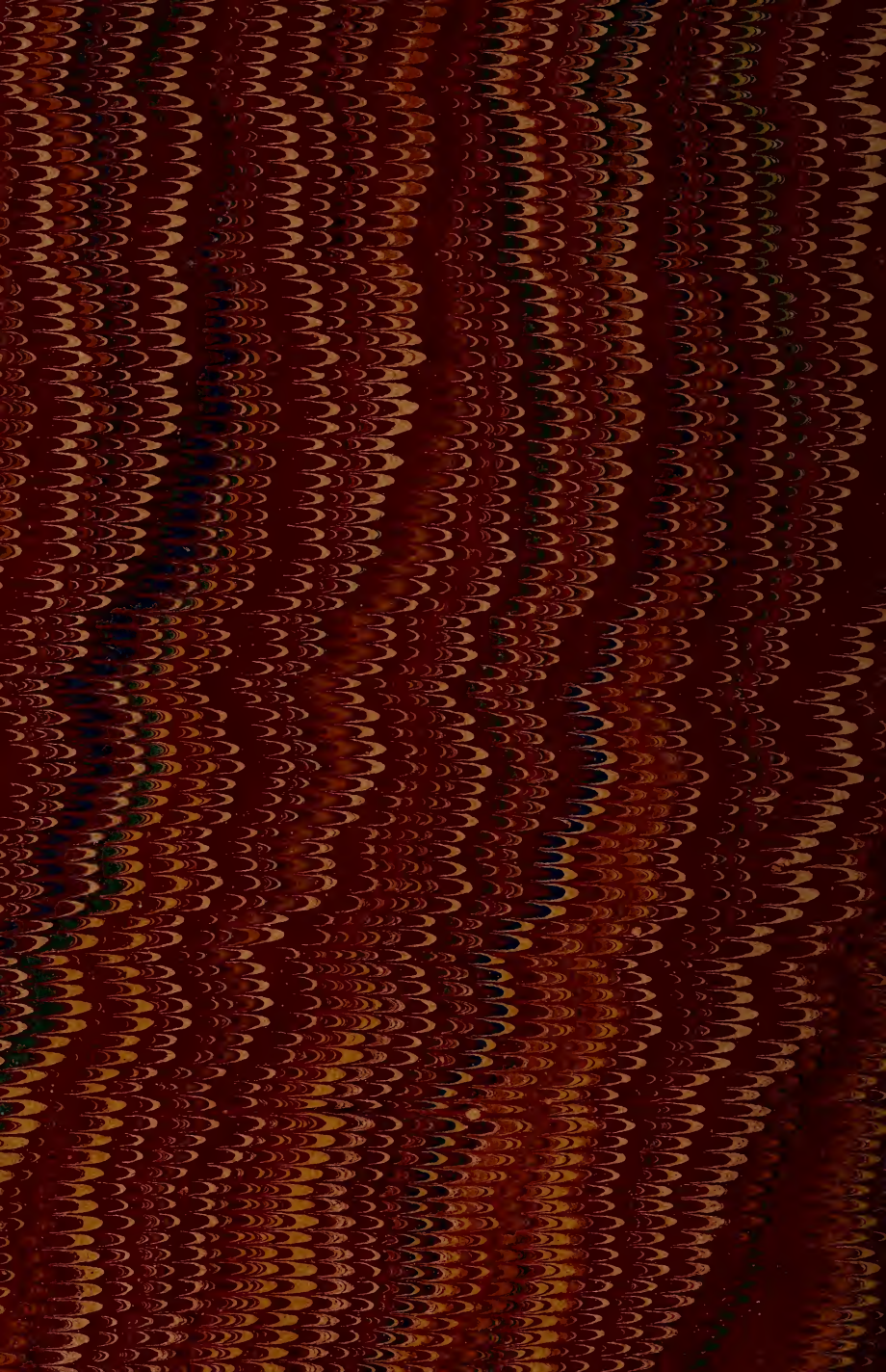


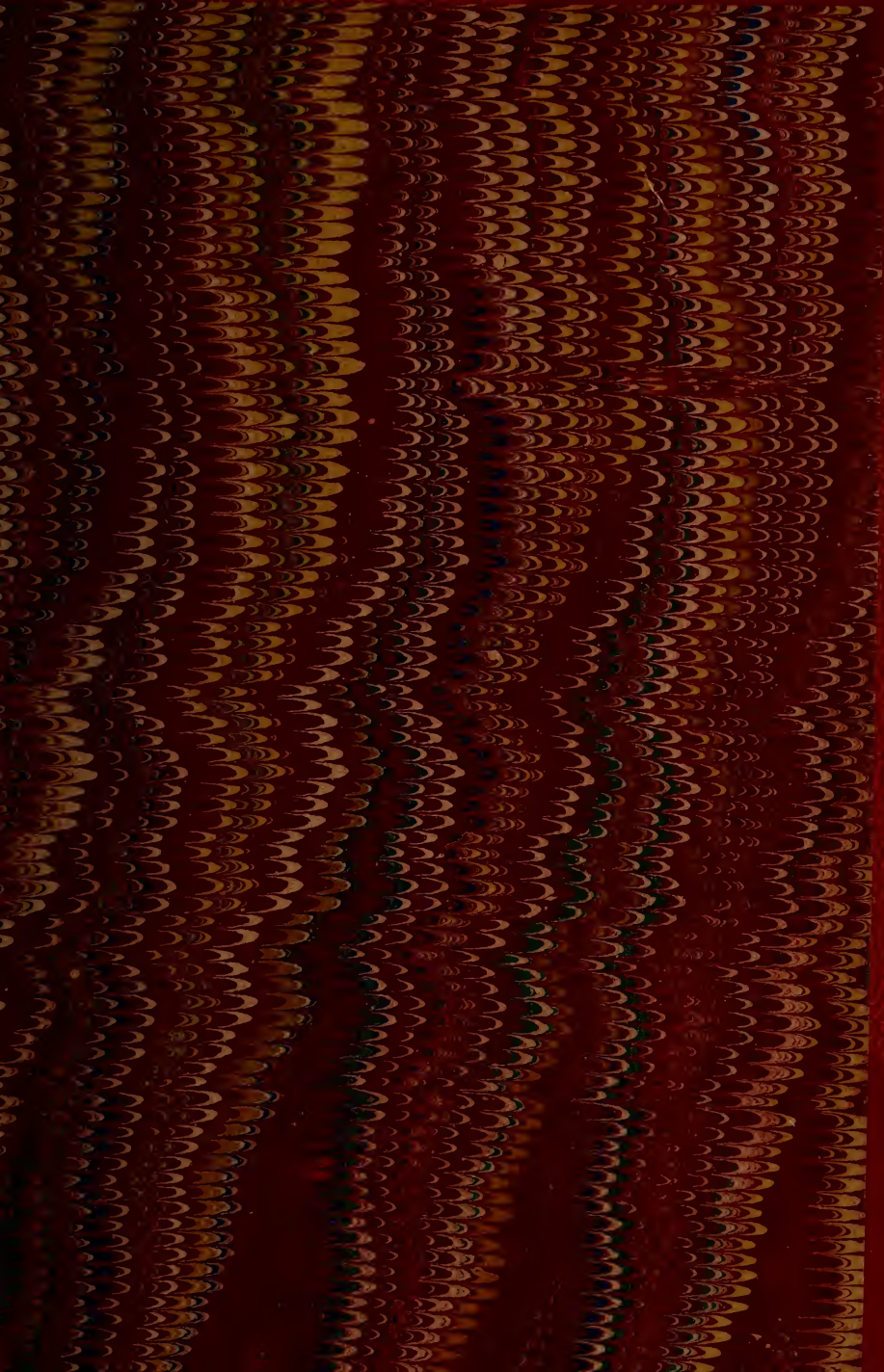
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CONSTITUTION

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